

AMENDED IN SENATE JUNE 22, 2009

AMENDED IN ASSEMBLY MAY 14, 2009

AMENDED IN ASSEMBLY MAY 6, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 572

Introduced by Assembly Member Brownley

February 25, 2009

An act to add Section 47604.1 to the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 572, as amended, Brownley. Charter schools.

(1) The Ralph M. Brown Act requires that all meetings of a legislative body, as defined, of a local agency be open and public and all persons be permitted to attend unless a closed session is authorized. The Bagley-Keene Open Meeting Act requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend.

This bill would expressly state that a charter school is subject to the Ralph M. Brown Act, unless it is operated by an entity governed by the Bagley-Keene Open Meeting Act, in which case the school would be subject to the Bagley-Keene Open Meeting Act.

(2) The California Public Records Act requires state and local agencies to make their records available for public inspection and to make copies available upon request and payment of a fee unless they are exempt from disclosure.

This bill would expressly state that a charter school is subject to the California Public Records Act.

(3) Existing law prohibits certain public officials, including, but not limited to, members of governing boards of school districts and citizens' oversight committees, from engaging in specified activities that are inconsistent or incompatible with, or inimical to, their duties as public officials, including, but not limited to, entering into a contract in which the official or the official's family member has a financial interest, as specified.

This bill would expressly state that a charter school is subject to these provisions.

(4) The Political Reform Act of 1974 requires every state agency and local government agency to adopt a conflict of interest code, formulated at the most decentralized level possible, that requires designated employees of the agency to file statements of economic interest disclosing any investments, business positions, interests in real property, or sources of income that may foreseeably be affected materially by any governmental decision made or participated in by the designated employee by virtue of his or her position.

This bill would expressly state that a charter school is subject to the Political Reform Act.

(5) Existing law requires a member of the governing board of a school district to abstain from voting on personnel matters that uniquely affect a relative of the member.

This bill would *expressly authorize an individual to be employed as a teacher in a charter school and serve as a member of the governing body of that charter school. The bill would require a member of the governing body of a charter school to abstain from voting on any matter affecting his or her own employment or any personnel matter that uniquely affects a relative of the member.*

(6) *The bill would make these provisions operative on July 1, 2011.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature in enacting this
2 act to do all of the following:

1 (a) Establish conflict-of-interest policies for charter school
2 governing boards that mirror existing conflict-of-interest policies
3 followed by school district governing boards.

4 (b) Provide transparency in the operations of the many charter
5 schools that are providing quality educational options for parents
6 and pupils and renew the faith of parents and the community that
7 their local charter school is acting in the best interests of pupils.

8 (c) Continue to provide greater autonomy to charter schools
9 than traditional public schools and provide greater transparency
10 to parents and the public with regard to the use of public funds by
11 charter school governing boards for the educational benefit of their
12 pupils.

13 (d) Establish standards and procedures consistent with the
14 Charter Schools Act of 1992 to avoid conflicts of interest in charter
15 schools.

16 SEC. 2. Section 47604.1 is added to the Education Code, to
17 read:

18 47604.1. (a) A charter school is subject to all of the following:

19 (1) The Ralph M. Brown Act (Chapter 9 (commencing with
20 Section 54950) of Part 1 of Division 2 of Title 5 of the Government
21 Code), except that a charter school operated by an entity governed
22 by the Bagley-Keene Open Meeting Act (Article 9 (commencing
23 with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title
24 2 of the Government Code) is subject to the Bagley-Keene Open
25 Meeting Act.

26 (2) The California Public Records Act (Chapter 3.5
27 (commencing with Section 6250) of Division 7 of Title 1 of the
28 Government Code).

29 (3) Article 4 (commencing with Section 1090) of Chapter 1 of
30 Division 4 of Title 1 of the Government Code.

31 (4) The Political Reform Act of 1974 (Title 9 (commencing
32 with Section 81000) of the Government Code).

33 (b) *Notwithstanding Section 1090 of the Government Code or*
34 *any other provision of law, an individual may be employed as a*
35 *teacher in a charter school and serve as a member of the governing*
36 *body of that charter school. A member of the governing body of*
37 *a charter school shall abstain from voting on all matters affecting*
38 *his or her own employment.*

39 (c) A member of the governing body of a charter school shall
40 abstain from voting on personnel matters that uniquely affect a

1 relative of the member but may vote on collective bargaining
2 agreements and personnel matters that affect a class of employees
3 to which the relative belongs. For purposes of this section,
4 “relative” means an adult who is related to the person by blood or
5 affinity within the third degree, as determined by the common law,
6 or an individual in an adoptive relationship within the third degree.

7 (d) A person who is disqualified by the California Constitution
8 or laws of the state from holding a civil office shall not serve on
9 the governing body of a charter school.

10 ~~(e) This section does not prohibit an employee of a charter~~
11 ~~school from serving as a member of the governing body of that~~
12 ~~charter school.~~

13 (e) *This section shall become operative on July 1, 2011.*